



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
AKBAR McCLENNON,  
Petitioner,

v.

SUPERINTENDENT OF GREEN HAVEN  
CORRECTIONAL FACILITY,  
Respondent.  
-----x

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

22 CV 4302 (VB)

Copies Mailed/Faxed  
Chambers of Vincent L. Briccetti  
5/3/24 DH

Briccetti, J.:

Before the Court is Magistrate Judge Judith C. McCarthy's Report and Recommendation dated February 14, 2024 (Doc. #26 ("R&R")), on pro se petitioner Akbar McClennon's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Doc. #1 ("Petition")).

The parties' familiarity with the factual and procedural background of this case is presumed.

Judge McCarthy recommended that the Petition be denied in its entirety. For the reasons set forth below, the Court agrees. Accordingly, the R&R is adopted as the opinion of the Court, and the Petition is DENIED.

I. Standard of Review

A district court reviewing a magistrate judge's report and recommendation "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Parties may raise objections to the magistrate judge's report and recommendation, but they must be "specific[,] written," and submitted within fourteen days after being served with a copy of the recommended disposition," Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1), or within seventeen days if the parties are served by mail. See Fed. R. Civ. P. 6(d).

The district court may adopt those portions of the recommended ruling to which no timely objections have been made, provided no clear error is apparent from the face of the record. See Wilds v. United Parcel Serv., Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). As petitioner is proceeding pro se, this Court “will ‘read [his] supporting papers liberally, and . . . interpret them to raise the strongest arguments that they suggest.’” Ortiz v. Barkley, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008) (quoting Burgos v. Hopkins, 14 F.3d 787, 790 (2d Cir. 1994)).

## II. Application

Judge McCarthy issued the R&R on February 14, 2024. (Doc. #26). On February 15, 2024, a copy of the R&R was mailed to petitioner at the address on the docket.

Having received no objections as of March 26, 2024, the Court sua sponte issued an order extending petitioner’s time to file objections to the R&R to April 26, 2024. (Doc. #27). The Court warned that no further extensions would be granted absent compelling circumstances. (Id.). The Court mailed this order to petitioner at the address listed on the docket. To date, the Court has received no objections to the R&R.

Because petitioner has not objected to Judge McCarthy’s thorough and well-reasoned R&R, the Court has reviewed the R&R for clear error. Finding no error, clear or otherwise, the Court adopts the R&R and denies the Petition.

## CONCLUSION

The Court adopts the R&R in its entirety as the opinion of the Court.

The Petition is DENIED.

The Clerk is instructed to enter Judgment accordingly and close this case.

As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253(c)(2); Love v. McCray, 413 F.3d 192, 195 (2d Cir. 2005).

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

Chambers will mail a copy of this Order to petitioner at the address listed on the docket.

Dated: May 3, 2024  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge